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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/732,200 12/07/00 RASCHE

V PHD 99.179

EXAMINER

MMC1/0815

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KAG-C  
ART UNIT

PAPER NUMBER

2882  
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08/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/732,200

Applicant(s)

RASCHKE ET AL.

Examiner

Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/07/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Subtitles such as Background of the Invention, Field of the Invention, Description of the Related Art, Brief Summary of the Invention, Brief Description of the Drawings, and Detailed Description of the Invention are not placed in the disclosure. Please make the appropriate corrections.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference number 81 in Figures 1, 2, and 3. Correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Rattner (US Patent 6,213,638). Rattner discloses an x-ray device with a source (Fig. 1, #2) and detector (Fig. 1, #3) mounted on a common holding device (Fig. 1, #1), connected to a supporting device (Fig. 1, #5) composed of a plurality of hinged, serially interconnected supporting members (Fig. 1, #7) as a robot arm to position completely (Fig. 1, "b", "α" and "β"). The individual supporting members can be individually controlled (Fig. 1, "g" represented by individual motors), while the holding device in the form of a C-arm (Fig. 1) is connected to the holding device by way of a hinge (Fig. 1, #4 and "β").

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rattner as applied to claim 1 above, and further in view of Holmström (US Patent 3,784,837). Rattner discloses a device as recited above. However, Rattner does not disclose a holding device composed of at least two holding members for the source and detector.

Holmström discloses a holding device composed of at least two holding members for the source and detector (Fig. 1).

It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to prepare the holding device of Holmström with the x-ray device of Rattner because

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one would be motivated to move the x-ray source as freely as possible around the patient as disclosed by Holmström.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admission of prior art in regards to Kresse (US Patent 4,894,855). The applicant's admission of prior art recites all of the elements recited above (Page 1, lines 6-7, 16-19 of the applicant and Figure of Kresse) except for a single manipulator (Page 1, lines 27-29 of the applicant). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to make the single manipulator for the C-arm device, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rattner as applied to claim 1 above, and further in view of Travanty et al. (US Patent 4,987,583) and Rattner (US Patent 5,285,772). Rattner (US Patent 6,213,638) discloses a device as recited above. However, Rattner does not disclose an ultrasonic or mechanical contact sensor to monitor distance between the examined object and the source or detector.

Travanty et al. discloses a mechanical contact sensor to monitor distance between the examined object and the source or detector (abstract, lines 2-4 and col. 3, lines 50-56). Rattner (US Patent 5,285,772) discloses ultrasonic sensors and detectors for a C-arm device (col. 2, lines 40 and 44-46).

It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to prepare the mechanical contact sensors of Travanty et al. and the ultrasonic sensors and detectors of Rattner (US Patent 5,285,772) with the x-ray device of Rattner (US Patent

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6,213,638) because one would be motivated to protect the examined object from being hit by the source or detector as shown by Travanty et al. and Rattner.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Daniel, Jr. (US Patent 5,428,660) discloses an x-ray device with a hinged supporting device.

Takagi (US Patent 5,103,472) discloses an x-ray device with two holding members with the supporting device connected to the room.

Kranvogel (US Patent 4,775,994) discloses an x-ray device with two holding members.

Vandervelden (US Patent 3,644,735) discloses an x-ray device with a hinged supporting device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gk  
August 10, 2001



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